

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

MAGĚMĀ TECHNOLOGY LLC,

Plaintiff,

v.

Case. No. 04:20-cv-02444

**PHILLIPS 66, PHILLIPS 66
COMPANY, AND WRB REFINING LP,**

Defendants.

DECLARATION OF FRANK EYMARD

I, Frank Eymard, declare:

1. I am over the age of eighteen years, a resident of the State of Texas, USA, and competent to make this declaration.

2. I am Chief Intellectual Property Counsel for Phillips 66. I have served in this role since 2012, and prior to that, was in the legal department of its predecessor, ConocoPhillips, since 2008. I hold a M.S. in chemical engineering and I am a licensed attorney. I also have experience working as an engineer in a refinery setting. I make this declaration based upon my own personal knowledge, including my review of the documents identified in this declaration, and my job duties carried out in the ordinary course of business at Phillips 66 and its predecessor.

3. I have reviewed and am familiar with admitted trial exhibits PTX-340A and DTX-0141. PTX-340A is an excerpt of Defendants' Responses to Plaintiff's Second Set of Interrogatories and contains multiple process and instrumentation diagrams (P&IDs) and process flow diagrams (PFDs) that illustrate in detail existing process units, equipment, and instruments at Bayway Refinery and Wood River Refinery. DTX-0141 contains multiple PFDs that illustrate in detail existing process

units and equipment at Bayway Refinery. Unless disclosure is compelled by judicial, government, or administrative body, detailed diagrams of this nature of not generally made public by Phillips 66, and are treated as confidential in the ordinary course of business.

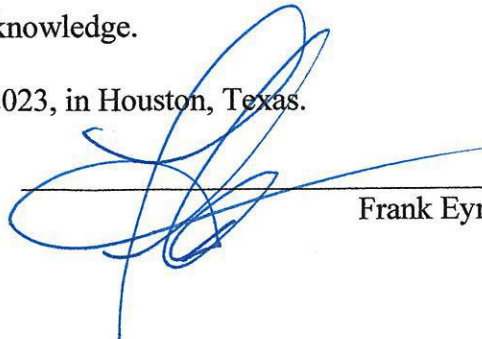
4. I have reviewed and am familiar with admitted trial exhibits PTX-658 and DTX-0161. Both are excerpts of the Bayway Refinery Operations Manual and contain detailed technical descriptions of the operation of an existing process unit at Bayway Refinery in diesel and/or IMO modes. Operating manuals are not generally made public by Phillips 66, and are treated as confidential in the ordinary course of business.

5. I have reviewed and am familiar with admitted trial exhibits DTX-0311, DTX-0313, and DTX-0315. These are active agreements related to existing operations at Phillips 66 locations and contain terms and conditions, such as pricing, that counter-parties to the agreements may consider confidential. Phillips 66 does not generally make agreements of this nature public, and has not obtained the consent of any counter-party to publicly disclose the agreements.

6. I have reviewed and am familiar with admitted trial exhibit DTX-0317. It is an expired agreement, but expressly states that certain obligations related to confidential information furnished under the agreement survive termination. Phillips 66 does not generally make agreements of this nature public, and has not obtained the consent of any counter-party to publicly disclose the agreement.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed on the 18th day of July, 2023, in Houston, Texas.



Frank Eymard